

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

In re:

Peter Paul Mitrano

**Chapter 13
Case No. 10-20476**

Debtor.

ORDER DISMISSING CASE

On August 4, 2010, this matter came on for hearing on the motion of the Chapter 13 Trustee to dismiss the bankruptcy case, on the Chapter 13 Trustee's objection to venue, and on the Chapter 13's objection to the Debtor's claimed exemptions. With respect to the matters before the Court, the *pro se* Debtor has filed responsive pleadings, but was unable to attend the hearing because he is currently incarcerated. The day before the hearing, the Debtor filed a request asking the Court to order federal prison authorities to make arrangements for the Debtor to personally appear at the hearing or to make arrangements for the Debtor to appear by telephone. Because the request was untimely filed, the request is hereby **DENIED**.

At the hearing, the United States Trustee appeared in support of the motion to dismiss and informed the Court of the Debtor's previous bankruptcy case which was filed in the Bankruptcy Court in the Eastern District of Virginia, designated Case No. 08-12890-SSM. This case, which dealt with debts that are substantially similar to the ones scheduled in this Chapter 13 proceeding, was ultimately dismissed after a finding that the Debtor's filing lacked good faith under 11 U.S.C. § 1307(c). The Court finds that the filing of this proceeding was an attempt to circumvent the rulings of the Court in the Eastern District of Virginia. For that reason, in

2

addition to the fact that the Debtor failed to file his tax returns as required by 11 U.S.C. § 1308(a) the Court finds that the Chapter 13 Trustee's motion to dismiss is appropriate. Accordingly, this bankruptcy case is hereby **DISMISSED**. Because the Court has dismissed this case, the other matters before the Court are moot and the Court declines to rule on their merits.

IT IS SO ORDERED.

ENTERED: AUG 13 2010

A handwritten signature in black ink, appearing to read 'R. Pearson', is written above a horizontal line.

Ronald G. Pearson, Bankruptcy Judge